

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

4121-169

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/501098**

INTERNATIONAL APPLICATION NO.

PCT/EP02/14511

INTERNATIONAL FILING DATE

18 December 2002

PRIORITY DATE CLAIMED

7 January 2002

TITLE OF INVENTION

**CYTOTOXIC CYPLASIN OF THE SEA HARE, APLYSIA PUNCTATA, cDNA CLONING AND  
EXPRESSION OF BIOREACTIVE RECOMBINANTS**

APPLICANT(S) FOR DO/EO/US

PETZELT, Christian

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). **\*(Unsigned)**
10. ☒ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☒ Small entity status is claimed.
16. ☐ Other items or information:

17. <input checked="" type="checkbox"/> The following fees are submitted:	CALCULATIONS	PTO USE ONLY
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b>	DT04 Rec'd PCT/PTO	07 JUL 2004
Search Report has been prepared by the EPO or JPO.....	\$920.00	
International preliminary examination fee paid to USPTO (37 CFR 1.482).....	\$730.00	
No International preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....	\$770.00	
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....	\$1080.00	
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....	\$100.00	

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$ 920.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$


Claims	Number Filed	Number Extra	Rate		
Total Claims	13 - 20 =		X \$18.00	\$	0
Independent Claims	3 - 3 =		X \$86.00	\$	0
Multiple dependent claim(s) (if applicable)			+ \$290.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	920.00
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$	
<b>SUBTOTAL =</b>				\$	460.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$	460.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>TOTAL FEE ENCLOSED =</b>				\$	460.00
				Amount to be:	\$
				refunded	
				Charged	\$

- a. ☒ A check in the amount of \$460.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-3284. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not yet been met, a petition to revive (37 CFR 1.127(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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07-08-04

10/501098

DT04 Rec'd PCT/PTO 07 JUL 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

15541 U.S. PTO  
07/07/04

International United States Patent Application of:

Applicant: Petzelt, Christian

Application No.: New U.S. National Stage Application  
of PCT International Application No.  
PCT/EP02/14511

Int'l Filing Date: 18 December 2002

Priority Date: 7 January 2002 (European Patent  
Application No. 02000388.5) and 4  
September 2002 (European Patent  
Application No. 02019914.7)

Title: CYTOTOXIC CYPLASIN OF THE  
SEA HARE, APLYSIA PUNCTATA,  
cDNA CLONING AND  
EXPRESSION OF BIOREACTIVE  
RECOMBINANTS

) Docket No.: 4121-169

) Examiner: Not Yet Assigned

) Art Unit: Not Yet Assigned

) Customer No.:

23448

**EXPRESS MAIL CERTIFICATE**

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and Express Mailed under the provisions of 37 CFR 1.10.

  
L. Stephen Lockett

July 7, 2004  
Date

EO 002 197 186 US  
Express Mail Label Number

**SUBMISSION UNDER 35 U.S.C. §371 OF UNITED STATES PATENT APPLICATION  
(NATIONAL PHASE PROCEEDINGS) BASED ON INTERNATIONAL APPLICATION NO.  
PCT/EP02/14511 AND CLAIMING PRIORITY OF EUROPEAN PATENT APPLICATION NOS.  
02000388.5 and 02019914.7**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

10/501098

DT04 Rec'd PCT/PTO 07 JUL 2004

Submitted herewith for filing under the provisions of 37 CFR §1.53 and 35 U.S.C. §371 is the above-referenced patent application, based on International Patent Application No. PCT/EP02/14511 and claiming priority of European Patent Application Nos. 02000388.5 and 02019914.7. A copy of the PCT International Application and related documents as originally filed are also included. Further included is a Preliminary Amendment, unsigned Declaration and Power of Attorney, return postcard, a check in the amount of \$460.00, and 35 U.S.C. §371 transmittal forms.

Please direct correspondence relating to this application to Steven J. Hultquist, Intellectual Property Technology Law, P.O. Box 14329, Research Triangle Park, NC 27709, and direct telephonic communications relating to this application to Marianne Fuierer at (919) 419-9350.

Respectfully submitted,



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